IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 80 of 2006

DATED: 9-8-2006

Between:

G. Krishna petitioner

And

The Chief General Manager,
State Bank of India,
Local Head Office, Hyderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 80 of 2006

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 17-10-2005 rejecting the claim of the petitioner for employment on compassionate grounds.

The father of the petitioner, while working as Armed Guard in the respondent bank requested the authorities to retire him on medical grounds and vide proceedings dated 27.1.2003 he was retired on medical grounds w.e.f. 11.12.2002, subject to completion of formalities and repayment of loan amounts due to the bank. In pursuance of the said proceedings, the father of petitioner complied with the formalities and also submitted an application seeking employment to his son-petitioner herein on compassionate grounds. Since no action was taken for appointment on compassionate grounds to the petitioner, series of representations were made and ultimately by impugned order dated 17.10.2005 the claim of the petitioner was rejected. Hence, the present writ petition.

Learned counsel for petitioner submitted that the petitioner fulfills all the required conditions prescribed in the scheme for appointment on compassionate grounds and the case of the petitioner was rejected on the erroneous grounds that the family is having an employed son, retired employee was paid all the terminal benefits and the family owns a house.

On the other hand, learned Standing Counsel for respondent bank submitted that the financial position of the family of petitioner is good and since one of the family member is employed and the family is possessing own house, the petitioner is ineligible for appointment on compassionate grounds. It is further stated that after taking into account all the relevant factors, the respondents declined to grant appointment to the petitioner and the same needs no interference.

Heard learned counsel for petitioner and learned Standing Counsel for respondent bank.

The Apex Court in Umesh Kumar Nagpal Vs. State of Haryana[1] held that the employer has to examine the financial condition of the deceased employee, and it is only on being satisfied that the family will not be able to meet the crisis, that compassionate appointment can be offered. The respondents have considered the case of the petitioner in terms of the principle laid down by the Supreme Court in Umesh Kumar case (cited supra) and arrived at a decision that the financial position of the family of the petitioner is not penurious and the case of the petitioner does not merit consideration.

It is to be noted that the object of providing employment on compassionate grounds is to enable the family to get over the sudden financial crises and to see that the distressed family is not deprived of livelihood. Retirement of an employee on medical grounds, does not confer any right to claim employment on compassionate grounds. The object is to enable the family to get over sudden financial crisis. The compassionate appointments shall be made on the basis of need and necessity of the distressed family. Having regard to the fact that one of the family member is employed and the family owns a house, it cannot be said that the petitioner is not having source of living. The appointment on compassionate ground is not a source of recruitment

but merely an exception to the requirement regarding appointments being made on open invitation of application on merits. It is not the case of the petitioner that his case was not considered in terms of the scheme for appointment on compassionate grounds. When once the authorities on consideration of the matter arrived at a conclusion that the case of the petitioner does not merit consideration, this Court cannot intervene in the matter.

For the foregoing reasons, it cannot be said that the impugned order is illegal and needs interference of this Court. There are no merits in the writ petition. Accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

DATE: 9-8-2006

TVK

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[1] 1994 (4) SCC 138